

Minutes
Morganton Planning & Zoning
March 12th, 2015

Members Present:

Hank Dickens, Chairman
Bill Lennon, Vice-Chairman
Claude Huffman
Kim Woolard
Pete Wallace
Waits Gordon
Judy Francis
Don Smith

Members Absent:

David Kirk
Rick Lingerfelt

Also present from the City staff were Lee Anderson, Director Development Design Services; Russ Cochran, Senior Planner; Louis Vinay, City Attorney; and Crystal Reed, Recording Secretary.

I. OLD BUSINESS:

Item 1: Review and approval of the October 9th, 2014 Minutes.

Mr. Dickens stated a copy of the minutes had been provided. Mr. Dickens made a motion that the minutes be approved.

Item 2: Review of City Council action since last meeting.

Mr. Anderson stated the New Zoning Ordinance and Zoning Map went into effect on January 1, 2015. He indicated the Burke County Board of Commissioners incorporated areas released from the City's ETJ on February 3, 2015. He stated things seem to be going fairly smooth with the new ordinance and he has received positive feedback since its adoption.

Mr. Anderson reported the City Council held its annual workshop in February where various items of Planning & Zoning Commission interest were discussed including

1. Adaptive reuse study initiated for Broughton Hospital. Mr Anderson stated Dr. Pat Mitchell, Assistant Secretary of Commerce discussed the approach being taken by the State of NC in this effort. He said the NC General Assembly adopted a bill in 2014 Session to appropriate funds for reuse of the Broughton facility and surrounding State owned lands. He explained he would keep the Commission members informed as the project moves forward.
2. A Retail Recruitment contract is also currently underway to help attract new business and economic development opportunities to the City. This would include many different sectors of retail including new hospitality related businesses.
3. He indicated the Council's workshop this year hosted a large group of citizens and in his opinion was one of the best council workshops he has been involved with. There was discussion about the new zoning ordinance, initiatives about the city trying to partner with other agencies and the county along with the state.

Mrs. Francis asked what the Broughton rooms may be used for.

Mr. Anderson stated the hospital is unique building and he had an opportunity to tour the facility just recently. He said the Avery Building is beautiful but has very small rooms. Some are used for office space, classrooms, treatment rooms, warehouse space. He indicated there are many different types of buildings on campus and reuse will be challenging, especially given the size of the buildings. He also indicated the study may examine vacant lands on the NC School for the Deaf, and explore ways to include WPCC, J. Iverson Riddle and other government owned properties in the area to achieve long term economic returns for the region. He said there are approximately 1200 acres of publicly owned lands within and adjacent to Broughton Hospital.

II. APPEARANCES:

Mr. Dickens stated this time is set-aside for individuals to come before the planning board to express any planning related concerns to the planning board.

None.

III. NEW BUSINESS:

Item 1: Consideration of a Zoning Ordinance Amendment to Section 3.4.2 (D) (3) to clarify the conditions by which Family Care Homes may be established.

Mr. Dickens asked Mr. Anderson to explain.

Mr. Anderson said family care homes are a permitted use within all zoning districts except Exclusive Industrial Districts, which do not permit residential of any nature. He said one of the conditions written in the ordinance requires Family Care Homes to be located at least ½ mile away from each other. Historically this spacing requirement only applies to Residential Districts; however, the City's new Zoning Ordinance does not have Residential Districts it now uses Intensity Districts. Although the NC statutes provide the authority to separate Family care homes a ½ mile apart, the new ordinance inadvertently made the requirement more restrictive than was intended. For this reason the City staff would recommend an ordinance amendment to clarify the intent to require a ½ mile spacing only within Low Intensity Districts (LID or Neighborhood Conservation Overlays (NC-O). A family care home provides State Licensed housing for up to six residents that require support personnel for habilitation and personal care services within a family living environment. No signage is permitted, no violent or dangerous residents may be housed. He said the current ordinance which has the ½ mile requirement applies to all zoning districts not just the intended residential areas.

Mr. Dickens asked how this became an item of attention.

Mr. Anderson answered there were properties within the previously zoned Central Business District (CBD) that are now zoned Medium Intensity (MID) and there were existing family care homes in the area. The owner of these properties wishes to utilize another home as a family care home. When the staff discovered what happen an amendment process was offered.

Mrs. Woolard asked about the radius overlapping in the low intensity district.

Mr. Anderson stated if a Family Care Home currently existed within a low intensity district then a ½ mile radius circle around that site would prevent additional Family care Homes within LID or NC-O districts. Other districts would permit the use even within ½ mile radius

Mr. Dickens asked if someone would like to make a motion.

Mr. Lennon made motion that the amendment be adopted as recommended.

Mr. Dickens read the motion to amend the zoning ordinance to include languages that are specified that no family care home may be located within a low intensity district or within a neighborhood conservation overlay if it is within ½ mile radius of any other family care home.

Mr. Smith and Mr. Wallace seconded the motion.

Commission members agreed and motion passed unanimously (8-0).

Mr. Anderson stated City Council would meet on April 6th, 2015 at 6 p.m. to review the recommendation.

IV. OTHER ITEMS OF DISCUSSION

Mr. Dickens said he didn't participate in Affordable Housing Task Force and he would like a summary of the discussion.

Mr. Anderson explained the Affordable Housing Task Force and progress.

Mr. Gordon said he found it to be a very complex situation. He said it was very different hearing sides of the people who are involved in those type situations but he was disappointed there wasn't a time frame established similar to the Mission 2030 plan. He hopes that Public Safety will be able to change things a little and that the landlords will get on board with making improvements because those were the people it was directed at and not the people who were living there.

Mrs. Francis said that was one of the negatives for her was to look at Public Safety to magically fix these problems. She is hoping city council will take some responsibility for being more proactive and encouraging an expanded range of options for affordable housing in Morganton. She said the reason she voted for this recommendation was not because she wants mobile home parks to go away. She said there are many people who have no other option for living and she didn't feel Morganton was in a position to say, we don't care what happens to those people anymore and she didn't feel we had done as best as possible to provide other options. She said once other options are available, she will be more than happy to amortize mobile home parks.

Mr. Lennon acknowledged Mr. Anderson in saying he had summarized things well throughout the several meetings. He mentioned how some of the mobile home parks have resident owners of mobile homes and not just owners of the park so you are displacing the person who is most vulnerable in those situations. He said he agrees with Mr. Gordon that there needs to be at least a time frame as to when to start the process because you

have to start somewhere. He added that it's not just mobile home parks that are not being kept up.

Mr. Dickens said he agrees with Mrs. Francis that it's a people issue and there are many different sides to consider. He asked if an option would be for a replacement of a mobile home to meet certain criteria.

Mr. Anderson said currently it has to meet certain criteria which is 1993 or newer so over time some of the units will be replaced with better ones but that doesn't mean it has to be replaced and that's where the problem is because the Minimum Housing laws have been weakened so much by the NC General Assembly that the ability for the city to go in and enforce changes in an existing condition is very difficult legally. If we can prove there are life safety issues then we can enforce the codes but the ability to determine those situations are difficult if they are inside the unit. He said the City must receive a complaint by the occupant, the owner or multiple complaints by others in the area.

Mr. Gordon asked about the Public Safety calls to one particular unit that had 98 calls for service in 2014. He asked if there is a way to talk to the people in the dispute.

Mr. Anderson said we are trying to work together with Public Safety to determine if they have authority to correct these issues. If a property has become a public safety nuisance such as drug house or other illegal activity, then public safety may close and seize the property under certain conditions.

Mr. Gordon said when Public Safety is there filling out a report and there are children living under those conditions could that information be brought back.

Mr. Anderson said any documentation that shows unsafe conditions can be used as a case to help address the issue.

Mrs. Francis said it wouldn't just be mobile homes, all types of homes can be unfit.

Mr. Lennon said he would like to add that as city council is aware of this situation that it won't be ignored.

Mr. Anderson stated the first step was to identify the issue, but these are not easy problems to address.

Mr. Wallace asked if there was a plan in place to follow up with an on-going task force to review this issue.

Mr. Anderson answered the best approach is for the public to issue complaint about problem units. Without complaints, the City will find it difficult to justify any enforcement action. He said each unit will have to be analyzed on a case by case basis as complaints come in.

Mr. Gordon commented about a lady who came in to report to the city about problems in her neighborhood and then came back to tell them that the problems had been handled, he said it can be done.

V. ADJOURN 6:00 p.m. Next Regular Meeting: Thursday, April 9th 2015 at 5:15 PM